

with Mrs. Blumkin, on faith. Mr. Buffet required no audit or inventory. Mrs. Blumkin's word is worth \$55 million at the very least.

The occasion of all this publicity is the award of an honorary doctorate by New York University. Mrs. Blumkin came to this country from Russia where she endured the programs, worked for a few cents a day, and according to the Post remembers the day Rasputin died.

Her advice to the graduates of NYU will be delivered in the mixture of English, Yiddish, and Russian that generations of Omahans have come to respect and love. The secret of success, according to Mrs. B. is "first, honesty; second, hard work; next, if you do not get the job you want right away, tell them you will take anything. If you are good, they will keep you. If you are rotten, the first thing, you will go for coffee, you talk on the phone; the next day, even with a college degree, they will throw you out."

I want to congratulate Mrs. Blumkin. She is the American dream, and we Omahans take great pride in her achievements.●

#### IMPROVING STANDARDS FOR LABORATORY ANIMALS

**HON. GEORGE E. BROWN, JR.**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 1984

● Mr. BROWN of California. Mr. Speaker, today I am introducing legislation to minimize the pain and distress experienced by laboratory animals. This legislation is similar to S. 657, the Improved Standards for Laboratory Animals Act, with various minor changes and strengthened trade secret provisions.

This is a fair and reasonable bill. It will not halt animal experimentation. It will not interfere with experiment procedures or results. It will not limit the scope of scientific research. It will not change the type of animals covered under the current Animal Welfare Act. This bill will provide assurances that basic laboratory standards with regard to animal care are maintained.

As past chairman of the Subcommittee on Science, Research and Technology, and as the chairman of the Subcommittee on Department Operations, Research, and Foreign Agriculture, I have spent many years studying the use of animals in experiments. I have seen many legislative approaches to improve animal care and treatment. This bill should provide a sound vehicle for further debate and the potential solution for reducing animal pain and distress, while having a limited effect on research facilities and research freedom.

As many of my colleagues know, I am an avid supporter of science and innovation. I have often come to this floor requesting support for several vital research programs which greatly benefit this country. Scientific experimentation with animals plays an essential role in the advancement of our medical knowledge, a field upon which we all heavily rely.

Magnificent work has been accomplished by scientists involved in animal research and testing. Experiments with animals have served as valuable models for better understanding the human body and its functions. These experiments have been indispensable in the testing of new drugs, vaccines, medical devices, and surgical techniques. These studies have helped develop new knowledge and have saved millions of lives. For example, the discovery of vaccines for polio was aided by the use of monkeys. Experiments using dogs and horses have led to the development of more sterile and effective surgical methods. There are many other examples of the crucial role which animal experimentation and testing has played in benefiting our society.

While most experimentation and testing involving animals is not painful, it is necessary to, at times, use animals in painful experiments. In some instances, the use of animals in these experiments is essential to research.

However, the trauma experienced by these animals from procedures necessary to the experiments should be the only trauma they must face. Dehydration, poor sanitation and ventilation, lack of presurgical and postsurgical operative care and lack of exercise—when not interfering with specific research protocol—and any other situation resulting in pain to animals from simple negligence is not acceptable and should not exist. Poor animal care works contrary to the success of the research. Ill, malnourished or weak animals will not perform or react in the same fashion as healthy animals. Proper care of laboratory animals increases research integrity and accuracy, and thus benefits our society.

Current standards regarding laboratory animal care and treatment are provided for by the Animal Welfare Act passed in 1966, last amended in 1976. This legislation will amend the Animal Welfare Act and broaden the coverage of research facilities to include agencies, departments or instrumentalities of the Federal Government.

The Animal and Plant Health Inspection Service (APHIS) is responsible for the enforcement of the Animal Welfare Act. However, surveillance and inspection of every facility is a tremendous task. Information obtained from USDA inspection reports under the Freedom of Information Act shows serious deficiencies in animal

care are distressingly common, even in some of our Nation's most prestigious institutions. This bill would improve the minimal surveillance required under present law, and assure the public that laboratories are not substandard and that humane principles are being offered to laboratory animals.

#### ANIMAL RESEARCH COMMITTEE

The legislation I am introducing today strengthens present law by directing each research facility to appoint an animal research committee to monitor the care and treatment of their animals. This committee will be comprised of at least one veterinarian and one member who is not associated with the research facility. Semiannual inspections will be conducted by the committees. The research facility will be informed of violations, and reports of the inspections shall be filed at the research facility. The reports will also be available to USDA inspectors or inspectors from the funding agency. If the facility repeatedly ignores requests to correct violations, Federal funding can be terminated. The National Institutes of Health (NIH) is presently proposing similar animal research committees with outside members for the facilities they fund.

This bill applies to all facilities currently covered by the Animal Welfare Act. The bill does not change the scope of animals covered under the current law. The current law states:

The term "animal" means any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit or such other warmblooded animal, as the Secretary may determine is being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet; but such term excludes horses not used for research purposes and other farm animals, such as, but not limited to livestock or poultry, used or intended for use as food or fiber, or livestock or poultry used or intended for use for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. With respect to a dog, the term means all dogs including those used for hunting, security or breeding purposes.

#### TRADE SECRET PROVISIONS

To insure the confidentiality of research information exposed to these committees, this bill contains trade secret provisions. Information concerning the research projects will be kept confidential and would not be released by any member of the committee. Violations will be punishable by law.

Institutions would also provide annual sessions to appropriate personnel for training in humane practices of animal care, experimentation and testing, and utilization of the data base.

#### NATIONAL DATA SYSTEM

This legislation also works to reduce unintended duplication of experiments by initiating a voluntary national data

base. The bill directs the Secretary of the USDA to assist in the formation of a national data system which would maintain information on previously conducted and completed experiments. This will reduce duplicate projects both within Federal agencies and within cooperating research facilities. A certain amount of duplication is necessary for confirmation of research results and is an essential aspect of scientific procedure. This bill in no way limits the rights of a facility to replicate an experiment.

This data base would also provide information on improved research and laboratory techniques and possible alternatives for minimizing animal pain and distress. It is hoped that the availability of this data will reduce animal pain and distress during experiments.

#### STANDARDS FOR ANIMAL CARE

The final changes made to the Animal Welfare Act by this legislation concern standards for animal care. Currently, the Animal Welfare Act directs each research facility to adhere to minimum standards set by the Secretary with respect to:

Handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, adequate veterinary care, including the appropriate use of anesthetic, analgesic or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities, and separation by species when the Secretary finds such separation necessary for the humane handling, care or treatment of animals.

I am proposing for the Secretary of the USDA to provide standards with respect to exercise for dogs. Exceptions to these standards may be made when specified by research protocol.

The research facility must in addition give assurances to the Secretary:

That presurgical and postsurgical care by laboratory workers is in accordance with established medical and nursing procedures; against the use of paralytics without anesthesia; that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time; and that except in cases of scientific necessity or other special circumstances as determined by the animal committee, no animal may be used in more than one major operative procedure from which it is allowed to recover.

Nothing in this act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, or guidelines of research or experimentation by a research facility. The research facilities will in turn provide adequate assurances to the Secretary that such standards are being maintained.

Mr. Speaker, as many of my colleagues are aware, the issue of animal experimentation and testing has been emotion packed for many years. However, there is a real concern that some substandard facilities are not insuring proper care and treatment for their

animal subjects. This bill would reduce the most cruel incidents of animal neglect and pain, while having a limited effect on research facilities and protocol.

Regulation of an industry is rarely greeted with open arms. However, this bill has been specifically drafted to avoid major expenditures by the Government or institutions. It is the result of many hours of consultation with science, agriculture and animal welfare organizations. Many research facilities are already carrying out the provisions we are calling for. I urge my colleagues to carefully consider and support this legislation.

The text of the bill follows:

#### H.R. 5725

A bill to amend the Animal Welfare Act to ensure the proper treatment of laboratory animals.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SHORT TITLE

SECTION 1. This Act may be cited as the "Improved Standards for Laboratory Animals Act".

#### FINDINGS

SEC. 2. The Congress finds that—

(1) methods of testing that do not use animals have been developed which show promise of being faster, less expensive, and more accurate than traditional animal experiments for some purposes and further opportunities exist for the development of these methods of testing;

(2) measures which eliminate or minimize the unnecessary duplication of experiments on animals can result in more productive use of Federal funds; and

(3) measures which help meet the public concern for laboratory animal care and treatment are important in assuring that research will continue to progress.

#### DEFINITIONS

SEC. 3. (a) Section 2(e) of the Animal Welfare Act (7 U.S.C. 2132(e)) is amended by adding after "The term 'research facility' means" the following: "each department, agency, or instrumentality of the United States which uses animals for research or experimentation."

(b)(1) Subsections (f), (g), (h), (i), and (j) of section 2 of such Act are redesignated as subsections (i), (j), (k), (l), and (m), respectively.

(2) Such section is amended by inserting after subsection (e) the following subsections:

"(f) The term 'Federal agency' means an executive agency as such term is defined in section 105 of title 5, United States Code, and with respect to any research facility means the agency from which the research facility has received or may receive a Federal award for the conduct of research, experimentation, or testing, involving the use of animals;

"(g) The term 'Federal award for the conduct of research, experimentation, or testing, involving the use of animals' means any mechanism (grant, award, loan, contract, or cooperative agreement) under which Federal funds are provided to support the conduct of such research;

"(h) The term 'quorum' means a majority of the committee members;"

(c) For purposes of this Act, the term "animal" shall have the same meaning as

defined in section 2(j) of the Animal Welfare Act (7 U.S.C. 2132(j)), as redesignated by subsection (b)(1).

#### STANDARDS AND CERTIFICATION PROCESS

SEC. 4. (a) Subsection (a) of section 13 of the Animal Welfare Act (7 U.S.C. 2143(a)) is amended by inserting "(1)" after "(a)".

(b) the second sentence of such subsection is amended to read as follows: "Such standards shall include—

"(A) requirements with respect to handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and temperatures, and adequate veterinary care, including the appropriate use of anesthetic, analgesic, or tranquilizing drugs, when such use would be proper in the opinion of the attending veterinarian of such research facilities;

"(B) provisions for separation by species where the Secretary finds that such separation is necessary for humane handling;

"(C) exercise for dogs, and exceptions to such standards may be made only when specified by research protocol."

(c) The last sentence of such subsection is amended to read as follows: "Nothing in this Act shall be construed as authorizing the Secretary to promulgate rules, regulations, or orders with regard to design, outlines, or guidelines of actual research or experimentation by a research facility. The Secretary shall promulgate standards for research facilities, including requirement for animal care, treatment, and practices in experimental procedures to ensure that animal pain and distress are minimized. The Secretary shall require every research facility to be able to show that the professionally acceptable standards governing the care, treatment, and practices on animals, including appropriate use of anesthetic, analgesic, and tranquilizing drugs during experimentation, are being followed by the research facility during research and experimentation. The Secretary shall require, at least annually, every research facility to report that the standards governing the care, treatment, and practices on animals are being followed. In its statement of compliance, the research facility shall provide assurances satisfactory to the Secretary—

"(A) demonstrating that the principal investigator has considered alternatives to any procedure likely to produce pain to or distress in an experimental animal and shall provide details of any procedure likely to produce pain or distress in any experimental animal; and

"(B) in any practice involving pain to unanesthetized animals—

"(i) that a doctor of veterinary medicine has been consulted in the planning of such procedures;

"(ii) for the use of tranquilizers, analgesics, and anesthetics;

"(iii) for pre- and post-surgical care by laboratory workers in accordance with established medical and nursing procedures;

"(iv) against the use of paralytics without anesthesia; and

"(v) that the withholding of tranquilizers, anesthesia, analgesia, or euthanasia when scientifically necessary shall continue for only the necessary period of time; and

"(C) except in cases of scientific necessity or other special circumstances as determined by the animal research committee, assurances that no animal may be used in more than one major operative procedure from which it is allowed to recover.

"(2) Paragraph (1) shall not prohibit any State (or a political subdivision of such

State) from promulgating standards in addition to those standards promulgated by the Secretary under paragraph (1)."

(d) Subsection (a) of such section is amended by adding at the end thereof the following:

"(3)(A) The Secretary shall require that each research facility establish an animal research committee (hereinafter in this subsection referred to as the 'committee'). Each animal research committee shall be appointed by the chief executive officer of such research facility and shall be composed of not fewer than three members. Such members shall possess sufficient ability to assess animal care, treatment, and practices in experimental research as determined by the needs of the research facility. Of the members of the committee—

"(i) at least one member shall be a doctor of veterinary medicine;

"(ii) at least one member shall have no association with such facility and shall be responsible for representing community concerns regarding the welfare of animal subjects; and

"(iii) in those cases where the committee consists of more than three members, not more than three members shall be from the same administrative unit of such facility.

"(B) A quorum shall be required for all formal actions of the committee, including—

"(i) inspecting at least semiannually all animal study areas and facilities of such research facility;

"(ii) reviewing as part of the inspection of such research facility practices involving pain to unanesthetized animals and the condition of research animals to ensure compliance with the standards of animal care, treatment, and practices and that pain and distress to such animals is minimized.

"(C)(i) The committee shall file each inspection certification report at the research facility. Such report shall—

"(I) be signed by a majority of the committee members involved in the inspection;

"(II) include reports of any violation of the standards promulgated by the Secretary, including any deficient conditions of animal care or treatment and any deviations of research practices from originally approved proposals that adversely affect animal welfare;

"(III) include any minority views of the committee; and

"(IV) include any other information pertinent to the activities of the committee.

"(ii) Such report shall be maintained for at least three years by the research facility and shall be available for inspection by the Secretary or the funding Federal agency.

"(iii) In order to give the research facility an opportunity to correct any deficiencies or deviations discovered by reason of subparagraph (B), such committee shall notify the administrative representative of the research facility of any unacceptable conditions. If, after notification and an opportunity to make corrections, such conditions remain unacceptable, the committee shall notify the Animal and Plant Health Inspection Service of the Department of Agriculture and the funding Federal agency, in writing, of such conditions.

"(D) The inspection results shall be available to Department of Agriculture inspectors for review during inspections. Department of Agriculture inspectors shall forward any committee inspection records which include reports of deficiencies or deviations to the Animal and Plant Health Inspection Service of the Department of Agriculture and any funding Federal agency.

"(4) The research facility shall provide for annual sessions for scientists, animal technicians, and other personnel involved with animal care and treatment in such facility. Such sessions shall provide instruction or training in—

"(A) the humane practice of animal maintenance and experimentation;

"(B) research or testing methods that minimize or eliminate the use of animals or limit animal pain or distress; and

"(C) utilization of the information service at the National Agricultural Library, established under subsection (e), to prevent unintended or unnecessary duplication of animal experimentation as determined by the needs of the research facility.

"(5) Research facilities shall inform their employees of the provisions of this section and shall inform such employees to report to the committee any violations of such provisions. Employees of such facilities may not be discriminated against on grounds that such employees reported any violation of such provisions."

(e) Section 13 of the Animal Welfare Act (7 U.S.C. 2143) is amended by adding at the end thereof the following:

"(e) The Secretary shall establish an information service at the National Agricultural Library. Such service shall, in cooperation with the National Library of Medicine, provide information on improved methods of animal experimentation including methods which could—

"(1) reduce or replace animal use;

"(2) minimize pain and distress to animals, such as anesthetic and analgesic procedures; and

"(3) prevent unintended duplication between research facilities of animal experimentation as determined by the needs of the research facility.

"(f) In any case in which the funding Federal agency determines that conditions of animal care, treatment, or practice in a particular project have not been in compliance with applicable standards, despite notification to the research facility, that agency shall suspend or revoke Federal support for the project. Any research facility losing Federal support as a result of actions taken under the preceding sentence shall have the right of appeal as provided in sections 701 through 706 of title 5, United States Code."

Sec. 5. Section 21 of the Animal Welfare Act (7 U.S.C. 2151) is amended by inserting before the period", except that no rule, regulation, or order may require a research facility to disclose trade secrets or commercial or financial information which is privileged or confidential."

Sec. 6. The Animal Welfare Act (7 U.S.C. 2131-2156) is amended by adding at the end thereof the following section:

"Sec. 27. (a) It shall be unlawful for any member of the animal research committee to release any confidential information of the research facility, including any information that concerns or relates to the trade secrets, processes, operations, style or work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of the research facility.

"(b) It shall be unlawful for any member of such committee to use or attempt to use to his advantage, or reveal to any other person, any information which is entitled to any other person, any information under subsection (a).

"(c) A violation of subsection (a) or (b) is punishable by—

"(1) removal from such committee, and

"(2)(A) a fine of not more than \$1,000 and imprisonment of not more than 1 year, or

"(B) if such violation is willful, a fine of not more than \$10,000 and imprisonment of not more than 3 years.

"(d) Any person, including any research facility, injured in its business or property by reason of a violation of this section may recover all actual and consequential damages sustained by such person and the cost of the suit including reasonable attorney's fees. Nothing in this section shall be construed to affect any other rights that any such person may have, nor shall this paragraph be construed to limit the exercise of any such rights arising out of or relating to a violation of subsections (a) and (b)."

#### EFFECTIVE DATE

SEC. 7. This Act shall take effect beginning one year after the date of enactment of this Act.●

#### NEW YORK CHINATOWN SENIOR CITIZEN COALITION CENTER

#### HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 1984

● Mr. GREEN. Mr. Speaker, I rise today to pay tribute to the admirable work of the New York Chinatown Senior Citizen Coalition Center located in the Chinatown section of New York City.

The center, with its 5,000 person membership, sponsors numerous activities for its members. Aside from serving as a gathering place where the elderly can socialize, the center also provides information on preventive health care, old time movies, literature, and an orchestra which has played for many different community functions and hopes to partake in a community concert festival during the upcoming summer months which will be open to the general public.

Today the center celebrated its 10th anniversary by sponsoring the 5th Chinese Senior Citizen Festival. The traditional respect the Chinese have for the elderly is most admirable and worthy of great praise. In particular, I should like to honor the New York Chinatown Senior Citizen Coalition Center for its tireless efforts to improve the quality of life for those in their senior years.

Their mottos, which are printed on many of their publications, also reflect the attitude that the center is trying to promote toward the elderly. Their philosophy can be loosely summarized by the phrase, "respect the elders in one's own family and extend the same respect to the elders in other families."

It is in this light that I honor this distinguished organization on today, the celebration of its 10th anniversary. Its meeting hall is continually filled with people reflecting the success and